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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,175	04/08/2004	Gilles Marquis	15811-1US IC/DOP/mm	7385
20988	7590	12/07/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			SAVAGE, MATTHEW O	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 12/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/820,175

Applicant(s)

MARQUIS ET AL.

Examiner

Matthew O. Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-22-05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to give adequate definitions for the means plus function limitations appearing in claims 1 and 6.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 6, it is unclear as to what structure the means plus function limitations imply since a clear definition of each limitation has not been given in the specification.

Claims 2-8 recite structural limitations that are redundant of the means plus function limitations recited in claim 1.

Concerning claim 4, "said ozonated water duct" lacks antecedent basis.

Regarding claim 5, "said filter outlet duct" lacks antecedent basis.

Concerning claim 6, it the "means" is considered redundant of the "oxygen regulator".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Engelhard.

With respect to claim 1, Engelhard discloses a device adapted to provide water purified to human consumption level, and arranged for connection to a water supply 14 (see FIG. 1), the device comprising a water purifier 18, 54, a container 12 for purified water and means 28, 40, 56 for connecting the water purifier to the purified water container, the water purifier including filter means 54 adapted to remove particles present in water to be purified as obtained from the water supply 14, and to adsorb undesirable adsorbable material therefrom, means 40 allowing the filter means to be in fluid communication with said water supply on the one hand, and the container 12, on the other hand, an ozone generator 18 and means 32 for injecting ozone into filtered water downstream of the filter means 54, but before introduction of the purified water into the container 12, a pump 48 arranged to draw water from the water supply 14, feed same to the filter means 54, and thereafter to the container 12, and wherein the container 12 includes a neck portion (e.g., a portion of the sidewall connecting an upper portion of the container to a lower portion of the container including inlet 34), and a

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bottle adapter (e.g., the lower portion of the vessel including inlet 34) imperviously mounted on said neck portion and adapted for introducing purified water into said container as well as for recycling purified water to said water purifier, back to said container, the device also including an ozone destruction unit 38 arranged to remove excess ozone that may escape from the purified water after same is introduced into the container, and control means 22, 46, 52 capable of being operative to cause the pump to draw water from the water supply and deliver purified water to the container and to inject ozone in the filtered water, and when the container has been filled with purified water, the control means operates to stop drawing from the water supply and start recycling purified water to the water purifier for further purification and redelivery into the container.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhard in view of Pluss.

With respect to claim 2, Englehard disclose the water purifier as having a check valve 46, a one way valve 52, a valve duct connecting the one-way valve to the pump 48, a recycling duct 40 connecting the check valve 46 to the container via the bottle adapter, and a water inlet tube 14 in connection with the one-way valve 52 at an inner

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end thereof and connectable to said water supply at the outer end thereof. Englehard fail to specify a three-way valve. Pluss disclose a three-way valve 6 having a valve duct 5 connecting the three-way valve to a pump 9, a recycling duct 21 connecting the three-way valve to a container 2 via an adapter, and a water inlet tube 4 in connection with the three-way valve at an inner end thereof and connectable to said water supply 3 at the outer end thereof. Pluss suggests that such a valve arrangement can be used to control the water level within the container 2. It would have been obvious to have modified the apparatus of Engelhard to as to have included the three-way valve as opposed to the one-way valve and check valve as suggested by Pluss in order to enable control of the water level within the container.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhard in view of Pluss as applied to claim 2 above, and further in view of Parks et al.

With respect to claim 3, Engelhard discloses a pump outlet duct connecting the filter means 54 to the pump 48 but fails to specify the filter means as including a sediment filter connected to an activated charcoal filter by a pipe connection. Parks et al disclose filter means including a sediment filter 22 connected to an activated charcoal filter 24 by a pipe connection (see FIG. 1) and suggests that such a combination adequately filters solids down to .5 micron in size from the water. It would have been obvious to have modified the combination suggested by Engelhard and Pluss so as to

have included the sediment filter and activated charcoal filter as suggested by Parks et al in order to adequately filter solids down to .5 micron from the water.

As to claim 4, Parks et al disclose a filter outlet duct connected at one end to said activated charcoal filter 24 and at the other end to the ozonated water duct.

Concerning claim 5, Parks et al disclose a venturi ozone injector 40 mounted along the filter outlet duct between the activated charcoal filter 24 and the other end of the filter outlet duct, and in communication with an 46 ozone generator, the venturi ozone injector operable to continuously deliver predetermined rates of ozone into filtered water that exits from the charcoal filter, as directed by a control means.

Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhard in view of Pluss and Parks et al as applied to claim 2 above, and further in view of Dunder.

With respect to claim 6, Engelhard, Pluss, and Parks et al fail to specify an oxygen bottle and regulator. Dunder discloses the concept of using an oxygen bottle 36 and regulator 12 for allowing a regulated delivery of oxygen from the oxygen generator to an ozone generator 7 and suggests that such an arrangement provides a pure supply of oxygen for the ozone generator. It would have been obvious to have modified the combination suggested by Engelhard, Pluss, and Parks et al so as to have included the oxygen bottle and regulator as suggested by Dunder in order to provide a pure source of oxygen for the ozone generator.

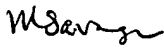
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Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew O Savage  
Primary Examiner  
Art Unit 1724

mos  
December 5, 2005